

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ANTONIO WHATLEY,

Plaintiff,

v.

KEVIN CARR, WILLIAM POLLARD, STEVEN
SCHUELER, CPT. JAY VANLANEN, JOHN KIND,
MS. JANDRAIN, SGT. WEICKERT, SGT. PEOTTER,
C.O. NEVEU, JUSTIN M. MAHER, CALEB M. ZITEK,
I.C.E. JANE DOE,

Defendants.

ORDER

19-cv-146-jdp

Pro se plaintiff Antonio Whatley alleges that several prison officials at Green Bay Correctional Institution violated his rights under the Eighth Amendment by keeping him in a cell without a working toilet for more than two months. Before the court is defendants' motion to dismiss this case under Rule 12(b)(3) of the Federal Rules of Civil Procedure or, in the alternative, to transfer this case to the Eastern District of Wisconsin under 28 U.S.C. § 1406(a) because venue is improper in the Western District of Wisconsin. Dkt. 10. Whatley has responded, conceding that this case should be transferred to the Eastern District. Therefore, I will deny the motion to dismiss, but will grant the motion to transfer the case to the Eastern District of Wisconsin.

ORDER

IT IS ORDERED that defendants' motion to dismiss or transfer this case, Dkt. 10, is GRANTED IN PART and DENIED IN PART. The motion to dismiss is DENIED and the

motion to transfer is GRANTED. This case is TRANSFERRED to the United States District Court for the Eastern District of Wisconsin under 28 U.S.C. § 1406(a).

Entered August 13, 2019.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge